

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:11CV194-RJC-DSC**

FREDERICK CHILDERS,)	
)	
Plaintiff,)	
)	
v.)	
_____)	<u>MEMORANDUM AND</u>
)	<u>RECOMMENDATION</u>
RECEIVABLES PERFORMANCE)	
MANAGEMENT, LLC,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on “Plaintiff’s Motion for Attorneys’ Fees and Costs,” Doc. 23, filed March 14, 2012, and the parties’ associated briefs and exhibits. See Docs. 24, 25 and 26.

This Motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1), and is now ripe for the Court’s consideration.

On April 20, 2012, Clerk of Court Frank G. Johns awarded total costs in the amount of \$425.00 to Plaintiff in “Clerk’s Taxation of Costs,” Doc. 27. Therefore, the only matter before this Court is the Motion for Attorneys’ Fees. The Court has carefully examined the record, the parties’ arguments and the applicable authorities. For the reasons cited in Plaintiff’s briefs, the undersigned respectfully recommends that Plaintiff’s Motion be granted and reasonable attorneys’ fees be allowed in the amount of \$8,750.00.

RECOMMENDATION

FOR THE FOREGOING REASONS, the undersigned respectfully recommends that “Plaintiff’s Motion for Attorneys’ Fees and Costs,” Doc. 23, be **GRANTED** and reasonable attorneys’ fees be allowed in the amount of \$8,750.00.

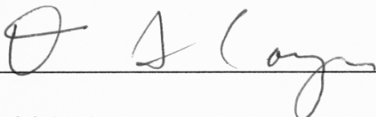
NOTICE OF APPEAL RIGHTS

The parties are hereby advised that, pursuant to 28 U.S.C. §636(b)(1)(c), written objections to the proposed findings of fact and conclusions of law and the recommendation contained in this Memorandum must be filed within fourteen (14) days after service of same. Failure to file objections to this Memorandum with the District Court constitutes a waiver of the right to de novo review by the District Judge. Diamond v. Colonial Life, 416 F.3d 310, 315-16 (4th Cir. 2005); Wells v. Shriners Hosp., 109 F.3d 198, 201 (4th Cir. 1997); Snyder v. Ridenour, 889 F.2d 1363, 1365 (4th Cir. 1989). Moreover, failure to file timely objections will also preclude the parties from raising such objections on appeal. Thomas v. Arn, 474 U.S. 140, 147 (1985); Diamond, 416 F.3d at 316; Page v. Lee, 337 F.3d 411, 416 n.3 (4th Cir. 2003); Wells, 109 F.3d at 201; Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984).

The Clerk is directed to send copies of this Memorandum and Recommendation to counsel for the parties; and to the Honorable Robert J. Conrad, Jr.

SO RECOMMENDED

Signed: April 23, 2012



David S. Cayer
United States Magistrate Judge

